

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jonathan Hutchinson	Team: Team # 1	CCRB Case #: 200904585	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Thursday, 02/26/2009 1:00 PM	Location of Incident: Lacombe and St. Lawrence Avenues; en route to 43rd Precinct stationhouse; 43rd Precinct stationhouse	Precinct: 43	18 Mo. SOL 8/26/2010	EO SOL 8/26/2010	
Date/Time CV Reported Wed, 03/25/2009 2:37 PM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Wed, 03/25/2009 2:37 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			043 PCT
2. POM Joseph Parchen	01651	937246	043 PCT
3. POM Miguel Iglesias	15012	941926	043 PCT
4. POM Nathaniel Anthony	03172	923516	043 PCT
5. SGT John Costello	02234	922168	043 PCT
6. An officer			043 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Nicolas Dipardo	30151	925200	043 PCT
2. POM Michael Cuadra	03492	923718	043 PCT
3. POM Edgar Mercado	11346	939024	043 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nathaniel Anthony	Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony used physical force against § 87(2)(b)	
B.POM Joseph Parchen	Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Joseph Parchen used physical force against § 87(2)(b)	
C.POM Miguel Iglesias	Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Miguel Iglesias used physical force against § 87(2)(b)	
D. An officer	Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, an officer used a chokehold against § 87(2)(b)	
E.SGT John Costello	Abuse: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx and inside the 43rd Precinct stationhouse, Sgt. John Costello did not obtain medical treatment for § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.POM Nathaniel Anthony	Abuse: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony threatened § 87(2)(b) with the use of force.	
G.POM Nathaniel Anthony	Abuse: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony threatened § 87(2)(b) with the use of force.	
H. Officers	Discourtesy: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx and en route to the 43rd Precinct stationhouse, officers spoke obscenely and/or rudely to § 87(2)(b)	
I.SGT John Costello	Abuse: Inside the 43rd Precinct stationhouse, Sgt. John Costello authorized the strip-search of § 87(2)(b) and § 87(2)(b)	
J.SGT John Costello	Abuse: Inside the 43rd Precinct stationhouse, Sgt. John Costello authorized the strip-search of § 87(2)(b)	

Case Summary

On March 25, 2009, § 87(2)(b) of the law offices of Morton § 87(2)(b) P.C., located at 108-18 Queens Boulevard in Queens, filed the following complaint with the CCRB by mail, on behalf of his client, § 87(2)(b) a resident of § 87(2)(b) in the Bronx, and two of § 87(2)(b)'s friends, § 87(2)(b) a resident of § 87(2)(b) in the Bronx, and § 87(2)(b) a resident of § 87(2)(b) in the Bronx.

On February 26, 2009, at approximately 1:00 pm, officers arrested § 87(2)(b) and § 87(2)(b) near the intersection of St. Lawrence Avenue and Lacombe Avenue in the Bronx, resulting in the following allegations.

Allegation A – Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony used physical force against § 87(2)(b)

Allegation B – Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Joseph Parchen used physical force against § 87(2)(b)

Allegation C – Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Miguel Iglesias used physical force against § 87(2)(b)

Allegation I – Abuse of Authority: Inside the 43rd Precinct stationhouse, Sgt. John Costello authorized the strip-search of § 87(2)(b) and § 87(2)(b)

§ 87(2)(g)

Allegation D – Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, an officer used a chokehold against § 87(2)(b)

Allegation H – Discourtesy: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx and en route to the 43rd Precinct stationhouse, officers spoke obscenely and/or rudely to

§ 87(2)(b)

§ 87(2)(g)

Allegation E – Abuse of Authority: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx and inside the 43rd Precinct stationhouse, Sgt. John Costello refused to provide medical treatment for § 87(2)(b)

Allegation F – Abuse of Authority: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony threatened § 87(2)(b) with the use of force.

§ 87(2)(g)

Allegation G – Abuse of Authority: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony threatened § 87(2)(b) with the use of force.

Allegation J – Abuse of Authority: Sgt. John Costello authorized the strip-search of § 87(2)(b)

§ 87(2)(g)

Results of Investigation

Civilian Statement(s)

Victim: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-year-old Caucasian male, standing five feet, nine inches tall, weighing two-hundred-ten pounds, with brown hair and hazel eyes. § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on April 8, 2009 in the presence of his attorney, § 87(2)(b) (encl. 11a-11g). § 87(2)(b)'s CCRB statement was consistent with that provided by § 87(2)(b) in his initial intake narrative (encl. 10a-10c). On February 26, 2009, at approximately 1:00 pm, § 87(2)(b) had concluded a session of a methadone program at § 87(2)(b)

As § 87(2)(b) was walking toward a bus stop, he saw and said hello to an individual from the program, identified as § 87(2)(b) who asked § 87(2)(b) if he wanted to take a walk with him to meet a mutual friend, identified as § 87(2)(b) who also attends the program. The two men walked down the block and met § 87(2)(b) near his residence. § 87(2)(b) stated that he was going to the program and § 87(2)(b) replied that he was going to walk toward the bus stop. The three individuals walked a block or two further and turned left to approach the bus stop.

Out of the corner of his eye, § 87(2)(b) saw a green minivan with a sliding side door screech to a stop behind him and to his right. § 87(2)(b) said that he saw the van pull up almost directly around the block from § 87(2)(b), “almost like doing a U.” § 87(2)(b) was not sure what intersection he was at when he saw the van. § 87(2)(b) heard someone yell something to his left, so he turned in that direction and saw a police officer in plainclothes, PO1¹, identified by the investigation as PO Joseph Parchen of the 43rd Precinct, running towards him. PO Parchen reached out and grabbed § 87(2)(b) somewhere on his upper body, but § 87(2)(b) did not fall to the ground at this point. He was approached by four or five additional officers in plainclothes who exited the van and jumped on him. § 87(2)(b) was later informed by his two friends that there was another officer standing nearby during the physical altercation, who they believed to be a supervisor. § 87(2)(b) was not sure how his friends knew this. The supervising officer did not come from the van, but had rather walked from up the block. § 87(2)(b) did not know where the officer who initially grabbed him came from.

§ 87(2)(b) repeatedly stated that everything happened very quickly. The officers did not identify themselves, and he therefore initially thought he was being jumped. The officers from the van punched § 87(2)(b) grabbed him by the throat with one of his hands, and punched him in the

¹ § 87(2)(b) did not get a close look at PO Parchen but described him as a Caucasian or Hispanic male officer in his late-thirties or early-forties, standing approximately five feet, eight inches tall, weighing approximately one-hundred-eighty pounds, and dressed in plainclothes.

ribs. Someone was grabbing his arm and trying to bend it backwards. § 87(2)(b) attempted to express that he was in pain and that he could not breathe but had trouble speaking. At some point, § 87(2)(b) was pushed to the ground and was kicked in the ribs and punched in the body and head, while an officer continued to choke him by leaning on his throat with his forearm. Throughout the course of the physical altercation, § 87(2)(b) said that he was “grabbed” by the throat by at least two officers. § 87(2)(b) stated that officers grabbed his throat with their hands and that an officer also used his forearm to restrict his air supply. He felt like he was passing out and thought he was going to die.

§ 87(2)(b) stated that he had been afraid for his life and did not therefore pay close attention to what each of the officers looked like. § 87(2)(b) did recall that one of the officers, PO2², identified by the investigation as PO Nathaniel Anthony of the 43rd Precinct, was an African-American male officer. His arms were twisted behind his back and he felt handcuffs being affixed to his wrists. He was punched and kicked more, and PO Anthony punched him in the face. Two of the other officers, PO3 and PO4³, also struck him. The officers stopped hitting him and he felt blood on his face, and felt that he was covered in dirt and sweat. He tried to catch his breath while he was on the ground. At this point, § 87(2)(b) had a lot of trouble breathing and he tried to say, “I can’t breathe.” The officers picked him up and began to push him in to the van. He again said that he could not breathe and that he needed to go to the hospital. PO3, who § 87(2)(b) believed to be his arresting officer, PO Nicolas DiPardo of the 43rd Precinct, said, “Shut the fuck up and just get in the van.”

During the physical altercation, the officers told § 87(2)(b) and § 87(2)(b) to stand in place on the sidewalk and they complied. § 87(2)(b) was placed in the van, and his two friends were handcuffed and put in the van as well. The officers did not use any force with the other two individuals. § 87(2)(b) still had trouble breathing and again said that he wanted to go to the hospital. The officers said “shut the fuck up” again. § 87(2)(b) asked what he was being arrested for, and the officers would not tell him. § 87(2)(b) stated that after he was placed in the van, the officers dispersed and only PO3 and PO4 remained to transport the three men to the stationhouse. § 87(2)(b) was unable to provide a physical description of one of the officers present on the scene, PO5, who he stated participated in punching him when the officers initially approached him and who may have kicked him while he was on the ground.

They went to the 43rd Precinct stationhouse and § 87(2)(b) asked what he was being charged with. The officers would not tell him. § 87(2)(b) again told the officers that he could not breathe and that he wanted to go to the hospital. At this point, the other two individuals were strip-

² § 87(2)(b) identified PO Anthony as the officer who was standing to his right when the officers initially approached, surrounded, and began to beat him. He described the officer as an African-American male officer in his mid-forties, standing approximately six feet, three inches tall, weighing approximately two-hundred-fifty pounds, with a short haircut and wearing a mustache. The officer was dressed in plainclothes.

³ § 87(2)(b) identified PO3 as his arresting officer, PO DiPardo, with a low degree of certainty, and did not confirm how he obtained such information. He described PO3 as a Caucasian male officer in his early-thirties, standing approximately five feet, nine inches tall, weighing approximately one-hundred-eighty pounds, with short brown hair, brown eyes, and a clean-shaven appearance. PO3 was dressed in plainclothes. § 87(2)(b) later observed PO DiPardo’s name on his arrest paperwork and believes that he witnessed PO DiPardo filling out the paperwork. § 87(2)(b) described PO4 as a Caucasian male officer, standing approximately five feet, ten inches tall, weighing approximately two-hundred-ten pounds, with dark hair, dark eyes, and a muscular build. PO4 was dressed in plainclothes.

searched, one at a time. One officer, PO6⁴, took § 87(2)(b) to a bathroom and strip-searched him. No contraband was recovered from § 87(2)(b) during the search.

After he was strip-searched, § 87(2)(b) had trouble walking and his face was swollen from the officers hitting him. He still had dirt and blood on his face at this point. His ribs and his back were hurting, as well as his leg. He persisted in asking to go to the hospital but officers would not listen to him. § 87(2)(b) was placed in a holding cell, where he stayed for at least an hour. § 87(2)(b) continued to ask why he had been arrested and the officers would not answer his questions. There were eight or so other individuals in the holding pen. Officers came in and out of the area, including PO3, who § 87(2)(b) believes was filling out paperwork related to the incident. § 87(2)(b) continued to ask for medical attention. § 87(2)(b) did not know what was going on and said that no one would tell him why he was arrested. Approximately three hours after he initially arrived at the stationhouse, § 87(2)(b) was taken to a different holding area in the back and officers took pictures of him. About five or six hours later, § 87(2)(b) was transported to another precinct, which he was unable to identify.

After arriving at the second location, § 87(2)(b) was placed in another holding pen. An officer who had been sitting at a desk in the holding area asked what he should do with § 87(2)(b) and it was decided that he would go to the hospital. A second round of photos was taken of § 87(2)(b) and, eventually, § 87(2)(b) was taken to § 87(2)(b) in the Bronx by the same two officers who had transported him from the 43rd Precinct, officers he had not previously seen before being transported by them. § 87(2)(b) was transported in a marked police van and these two officers were in uniform. X-rays were taken at § 87(2)(b) but § 87(2)(b) did not get the results while he was there. § 87(2)(b) estimated that he arrived at the hospital between § 87(2)(b). § 87(2)(b) thought his ribs were broken, and he was having trouble seeing clearly.

§ 87(2)(b) was released from the hospital and was transported back to the unknown stationhouse, where more pictures were taken of him. He went to a holding cell and ten or fifteen minutes later, was told that it was time to go to court, which was located at 161st Street in the Bronx. After going through the court system § 87(2)(b) was informed that he had a co-defendant by a lawyer and was informed of his charges. § 87(2)(b) recognized his co-defendant from the Methadone program and stated that his first name is § 87(2)(b). At this point § 87(2)(b) learned that his charges were § 87(2)(b). § 87(2)(b) was remanded and then detained at Rikers for a week until his scheduled court date. § 87(2)(b) received a basic physical at Rikers. He believes that they took urine and blood at the Rikers Hospital, and he saw a psychiatrist there because he was feeling anxiety as a result of the incident. After staying for a week in Rikers, all charges were dismissed. § 87(2)(b) has been to § 87(2)(b) “quite a few times” since the incident, and said that his ribs were not broken during the incident. He did, however, have bruises.

Statements to Medical Providers:

- On § 87(2)(b), § 87(2)(b) received medical treatment at § 87(2)(b) in the Bronx. § 87(2)(b) informed the attending physician that he had been assaulted, although he did not provide any further details.

⁴ § 87(2)(b) was unable to provide a physical description of PO6 but stated that he may or may not have been present on the scene during the incident near Commonwealth Avenue and Randall Avenue.

- On § 87(2)(b), § 87(2)(b) submitted to a mental health examination administered by Correctional Health Services at the § 87(2)(b) at Riker's Island. During the interview, § 87(2)(b) stated that, "Cops jumped me."
- On § 87(2)(b), § 87(2)(b) received medical treatment at § 87(2)(b) during which time he stated that he was assaulted "§ 87(2)(b) days ago." § 87(2)(b) specified that he had been, "punched in the ribs," and informed the physician that, "my ribs hurt and throat hurts."
- On § 87(2)(b), § 87(2)(b) received medical treatment at § 87(2)(b). He stated that he was, "beaten by police on February 26, 2009" (encl. 22a-22Am).

Statements to Comptroller of City of New York:

- On § 87(2)(b), § 87(2)(b) filed a Notice of Claim with the City of New York, in which he alleged that officers assaulted him on February 26, 2009 before falsely arresting, falsely imprisoning, and maliciously prosecuting him (encl. 12a-12b).
- On § 87(2)(b), § 87(2)(b) was interviewed by an attorney for the City of New York pursuant to the 50-H hearing related to his civil suit. § 87(2)(a) Gen.Mun. §50-H(3)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Victim: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-year-old African-American male, standing five feet, four inches tall, weighing one-hundred-fifty pounds, with black hair and brown eyes. § 87(2)(b)

§ 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed over the telephone on May 13, 2009 and was interviewed in person on April 14, 2009 at the CCRB (encl. 14a-15f). § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b) On February 26, 2009, § 87(2)(b) and § 87(2)(b) were walking to a bus stop. At the intersection of Lacombe Avenue and St. Lawrence Avenue in the Bronx, a Dodge Caravan minivan pulled up at a high rate of speed and four or five unidentified police officers in plainclothes exited the vehicle. The van pulled up partially onto the sidewalk in front of the individuals, apparently to prevent them from fleeing. Approximately four male police officers in plainclothes, PO1, PO2, PO3, and PO4⁵, jumped out of the van and ran toward § 87(2)(b). All four officers tackled § 87(2)(b) causing him and several officers to fall to the ground. The officers put § 87(2)(b) face-down on the ground and all four or five officers proceeded to "pound" him with their fists and feet. As the officers held § 87(2)(b) down on the ground while they attempted to access his arms so that they could place him in handcuffs, PO1 grabbed § 87(2)(b) around the neck with one of his forearms. When § 87(2)(b) attempted to grab PO1's arm so that he could breathe, officers, who § 87(2)(b) was unable to identify,

⁵ § 87(2)(b) described PO1 as a male officer of Italian or Spanish heritage in his early-thirties, standing approximately six feet tall, weighing approximately two-hundred pounds, with black hair. He described PO2 as a Hispanic male officer in his late-thirties, standing approximately five feet, eight inches tall, with a shaved head and a stocky build. § 87(2)(b) described PO3 as a Hispanic male officer in his late-thirties, standing approximately five feet, eight inches tall, with a cesar hair cut and a stocky build. § 87(2)(b) described PO4 as a male officer of Spanish heritage in his thirties, standing approximately five feet, six inches tall, with short black hair and a stocky build. All of the officers were dressed in street clothes and none of the officers had their shields displayed around their necks or elsewhere on their persons.

kicked him, punched him, and pulled his arms toward his back. § 87(2)(b) repeatedly yelled, “I can’t breathe.”

At some point shortly after the van pulled onto the sidewalk, another van, later identified as an unmarked police vehicle, drove southbound on St. Lawrence Avenue and pulled up to the intersection. § 87(2)(b) could not recall which van each of the officers had been riding in but recalled that PO5⁶, identified by the investigation as PO Anthony, had come from the second van. PO Anthony approached § 87(2)(b) and § 87(2)(b) and said, “Get on the fucking floor or I’ll punch you in the fucking stomach. I’m going to kick you in the face.” Both individuals lay down on the ground on their stomachs and an officer placed each of them in handcuffs. § 87(2)(b) identified PO3 as the officer who told § 87(2)(b) to, “Shut the fuck up,” while en route to the 43rd Precinct stationhouse.

Attempts to Contact Civilians

The investigation exhausted attempts to contact § 87(2)(b) identified as a victim in the above complaint by § 87(2)(b). The first please call letter was mailed to § 87(2)(b)’s address on May 13, 2009. Neither § 87(2)(b) nor § 87(2)(b) was able to provide a telephone number for § 87(2)(b) and searches of the 411 directory, the 411 reverse address directory, the COLE directory, and the Lexis Nexis database returned negative results. On July 29, 2009, the undersigned investigator contacted § 87(2)(b) and arranged for an in-person interview to be conducted with § 87(2)(b) and § 87(2)(b) at a neutral location near their residences on July 31, 2009. On July 31, 2009, neither § 87(2)(b) nor § 87(2)(b) appeared for their scheduled interview appointment. On the same date, a final please call letter was left in the mailbox of § 87(2)(b)’s residence. To date, no letters mailed to or left at § 87(2)(b)’s address have been returned to the CCRB by the US Postal Service. A search of the Department of Correction inmate database confirmed that § 87(2)(b) is not currently incarcerated in the City of New York.

NYPD Statement(s)

Subject Officer: PO NATHANIEL ANTHONY

PO Anthony is a § 87(2)(b)-year-old Hispanic male officer, standing six feet tall, weighing two-hundred-thirty-five pounds, with black hair and brown eyes. He is a ten-year veteran of the NYPD. On February 26, 2009, PO Anthony worked from 8:00 am to 4:35 pm, on a SNEU assignment within the confines of the 43rd Precinct. PO Anthony was assigned to an observation post with PO Michael Cuadra and PO Miguel Iglesias, both of the 43rd Precinct. All three officers were dressed in plainclothes and were assigned to an unmarked vehicle of unknown make, model, color, and number. PO Anthony’s memo book did not contain any relevant entries concerning the below incident.

CCRB Testimony:

PO Nathaniel Anthony of the 43rd Precinct was interviewed at the CCRB on September 9, 2009 (encl. 18a-18d). At approximately 1:00 pm on February 26, 2009, PO Anthony observed three individuals who he recognized as having been arrested for narcotics violations in the past and who were later identified as § 87(2)(b) and § 87(2)(b) standing and

⁶ § 87(2)(b) described PO5 as an African-American male officer in his late-thirties, standing approximately six feet, nine inches tall, weighing approximately three-hundred pounds, with a fade and a muscular build. § 87(2)(b) stated that PO5 was dressed in plainclothes and that he appeared to be the supervising officer at the location.

conversing in front of the front gate to the Academy Gardens housing development, an eight-building complex, located at the intersection of Lacombe Avenue and Commonwealth Avenue in the Bronx. PO Anthony observed the three individuals exchange currency before being approached by a fourth individual, later identified by the investigation as § 87(2)(b).

PO Anthony observed § 87(2)(b) hand § 87(2)(b) an unknown amount of cash and then observed the individual walk into the Academy Gardens complex. Approximately one minute later, PO Anthony observed the individual exit the housing complex, approach § 87(2)(b) and begin walking away from the complex with § 87(2)(b) and § 87(2)(b). As § 87(2)(b) and § 87(2)(b) were walking together, PO Anthony observed § 87(2)(b) hand § 87(2)(b) several small objects. After the individual handed § 87(2)(b) the objects, he turned and walked northbound on Commonwealth Avenue. § 87(2)(b) and § 87(2)(b) walked away eastbound on Lacombe Avenue.

PO Anthony observed § 87(2)(b) hand § 87(2)(b) and § 87(2)(b) several of the small objects he had received from § 87(2)(b). Since, based on his experience and training, PO Anthony interpreted the exchange to constitute a narcotics transaction, he provided the other members of the 43rd Precinct SNEU team with the physical descriptions of § 87(2)(b) and § 87(2)(b) over the radio so that he could preserve his cover. However, as the three individuals continued to walk away from Academy Gardens, PO Anthony exited his vehicle so that he was prepared to stop the individuals if necessary. PO Anthony did not recall if PO Cuadra or PO Iglesias exited their vehicles at any point during the interaction.

As the three individuals approached the intersection of Lacombe Avenue and St. Lawrence Avenue from the west, uniformed officers from the SNEU team, including Sgt. John Costello and PO Joseph Parchen, both of the 43rd Precinct, pulled up alongside the individuals on either Lacombe Avenue or St. Lawrence Avenue, in an unmarked police vehicle. Although PO Anthony did not recall what assignment the officers were working, he stated that, since the sergeant was present, the officers were most likely assigned to the SNEU team prisoner van. The uniformed officers exited the vehicle and approached the three individuals.

After the uniformed officers exited the vehicle, § 87(2)(b) turned and began to either walk or run westbound down Lacombe Avenue, toward PO Anthony. When § 87(2)(b) got close enough to hear PO Anthony speak, PO Anthony pulled his shield out so that it hung around his neck and identified himself as a police officer. § 87(2)(b) turned and attempted to walk away from PO Anthony, before seeing that PO Parchen was approaching him from the other direction. Seeing that he was trapped, § 87(2)(b) attempted to discard the small objects that he was carrying in his hand, while facing PO Parchen. PO Anthony did not recall how § 87(2)(b) attempted to discard the objects but stated that he either threw them or attempted to ingest them. PO Anthony did not recall ever attempting to remove any item from § 87(2)(b)'s mouth.

Seeing that § 87(2)(b) was attempting to destroy evidence, PO Anthony approached him from behind and pulled his arms behind his back. In response, § 87(2)(b) ripped his arms away from PO Anthony's grasp and flailed them about the sides of his head and abdomen to prevent PO Anthony from grabbing them. PO Anthony grappled with § 87(2)(b) for a moment, attempting to grab his arms, before PO Parchen approached § 87(2)(b) from his front side. § 87(2)(b) pushed away from PO Parchen with his legs, causing § 87(2)(b) and PO Anthony to fall to the ground. PO Anthony did not recall how he and § 87(2)(b) fell to the ground, whether either of them struck any body parts against the ground, or whether either of them landed on top of the other.

As the officers attempted to pull § 87(2)(b)'s arms behind his back while he was lying on the ground, he continued to resist the officers' efforts by flailing his arms about his sides. PO Anthony did not recall if either he or PO Parchen ever struck § 87(2)(b) in the head, face, or body with any body part or object in the process of placing him under arrest. PO Anthony stated that at no point did any officer restrain § 87(2)(b) by the neck with any body part or object.

After § 87(2)(b) had been on the ground for less than one minute, the officers were able to pull his arms behind his back and place his wrists in handcuffs. § 87(2)(b) and § 87(2)(b) were arrested by the uniformed officers who had stopped them. Officers recovered heroin and currency from each of the individuals. PO Anthony did not recall where the narcotics were recovered. PO Anthony did not hear any officer use profanity toward § 87(2)(b) or § 87(2)(b) at any point during the interaction. PO Anthony did not observe any injuries on any of the individuals arrested, nor did he hear any of them complain of any injuries or request medical treatment. All three individuals were transported to the 43rd Precinct stationhouse in the unmarked prisoner van.

Subject Officer: PO JOSEPH PARCHEN

PO Parchen is a § 87(2)(b)-year-old Caucasian male officer, standing six feet, one inch tall, weighing two-hundred-thirty-five pounds, with brown hair and brown eyes. He is a four-year veteran of the NYPD. On February 26, 2009, PO Parchen worked from 8:00 am until 4:35 pm and was assigned to the 43rd Precinct SNEU team prisoner van with Sgt. John Costello and PO Edgar Mercado of the 43rd Precinct. All three officers were dressed in uniform and were assigned to an unmarked light-silver Chevy minivan of unknown model, with two sliding doors. PO Parchen was the operator of the unmarked police van and did not have any relevant entries in his memo book regarding the incident.

Arrest Documentation:

The arrest report prepared by PO Parchen for the arrest of § 87(2)(b) confirmed that officers observed § 87(2)(b) in possession of a controlled substance at the time of the incident. The arrest report stated that no physical force was used against § 87(2)(b) and noted his physical condition as "apparently normal" (encl. 27a).

CCRB Testimony:

PO Joseph Parchen of the 43rd Precinct was interviewed at the CCRB on September 22, 2009 (encl. 19a-19c). § 87(2)(g)

At approximately 1:00 pm on the date of the incident, officers assigned to the 43rd Precinct SNEU team observation posts, including PO Anthony and another officer, identified by the investigation as PO Iglesias, informed the other members of the SNEU team over a closed-circuit radio that they had observed three individuals engaging in a hand-to-hand narcotics transaction.

PO Parchen drove to the intersection of Lacombe Avenue and St. Lawrence Avenue, pulled the police van alongside the sidewalk at the intersection, which § 87(2)(b) had just reached, and said, "Sir, come here." § 87(2)(b) was standing approximately five feet away from PO Parchen's door. § 87(2)(b) looked up at the van and, noticing PO Parchen's uniform, turned and began to walk in the opposite direction down the sidewalk, northbound on St. Lawrence Avenue. The individual with whom § 87(2)(b) had been walking stopped and stood in place next to the police van when PO Parchen said, "Sir, come here."

During the physical altercation involving § 87(2)(b) PO Parchen, and PO Anthony, § 87(2)(b) attempted to bite PO Anthony several times. PO Parchen struck § 87(2)(b) several times on one side of the abdomen, near the rib cage, with the intention of gaining § 87(2)(b)'s compliance in providing his arms for handcuffing. PO Parchen was unable to recall exactly how many times he struck § 87(2)(b) what parts of § 87(2)(b)'s body he struck, or whether he struck § 87(2)(b) with an open or closed fist. PO Parchen stated that he struck § 87(2)(b) in order to accelerate the process of handcuffing him, since he had observed him attempting to bite PO Anthony. Although § 87(2)(b) did not become more compliant after PO Parchen struck him, PO Parchen was eventually able to pull § 87(2)(b)'s arms behind his back and place his wrists in handcuffs.

While he was struggling with § 87(2)(b) PO Parchen observed PO Anthony holding § 87(2)(b)'s head down on the ground, presumably to prevent § 87(2)(b) from biting him. PO Parchen and PO Anthony were kneeling, sitting, or lying on the sidewalk as they attempted to arrest § 87(2)(b). Neither PO Parchen nor PO Anthony kicked § 87(2)(b) at any point while he was lying on the ground. PO Parchen did not see any officer grab § 87(2)(b) by the neck or throat or any officer hold § 87(2)(b) down on the ground by applying pressure to his neck or throat.

PO Parchen stated that, although he could not recall the exact sequence of events that transpired after § 87(2)(b) was arrested, he most likely placed § 87(2)(b) in the rear of the unmarked police van and transported him to the 43rd Precinct stationhouse. PO Parchen stated that Sgt. Costello, PO Mercado, and the other individual who was arrested with § 87(2)(b) were also transported to the 43rd Precinct stationhouse in the unmarked van.

Subject Officer: PO MIGUEL IGLESIAS

PO Iglesias is a § 87(2)(b)-year-old Hispanic male officer, standing six feet, one inch tall, weighing two hundred pounds, with brown hair and brown eyes. PO Iglesias is a three-year veteran of the NYPD. On February 26, 2009, PO Iglesias' assignment was consistent with that described by PO Anthony. PO Iglesias did not have any entries in his memo book pertaining to the incident involving § 87(2)(b).

CCRB Testimony:

PO Miguel Iglesias of the 43rd Precinct was interviewed at the CCRB on February 18, 2010 (encl. 21a-21e). § 87(2)(g)

After observing the narcotics transaction, PO Iglesias exited the vehicle and began to surreptitiously follow the three individuals down Lacombe Avenue.

PO Iglesias followed behind the individuals and his vision was obscured when the individuals moved onto St. Lawrence Avenue. When PO Iglesias turned the corner onto St. Lawrence Avenue, he observed § 87(2)(b) PO Parchen, and PO Anthony struggling on the ground. PO Iglesias observed the two officers attempting to pull § 87(2)(b)'s arms behind his back while § 87(2)(b) resisted their efforts by attempting to strike them with punches, kicks, and elbows. PO Iglesias observed § 87(2)(b) attempt to bite PO Anthony's arm on one occasion, although he did not recall where PO Anthony had placed his arm. As soon as he observed the officers struggling with § 87(2)(b) PO Iglesias approached and grabbed § 87(2)(b)'s body in an attempt to hold him down on the ground so that he could be controlled and handcuffed. All three officers yelled at § 87(2)(b) to, "Stop resisting," but § 87(2)(b) did not cooperate with their instructions.

PO Iglesias struck § 87(2)(b) in an unknown part of his body with one of his elbows, with the intention of compelling § 87(2)(b) to remove some of his body weight from his arm so that the officers could pull it behind his back. PO Iglesias stated that he most likely elbowed § 87(2)(b) in some part of the abdomen. PO Iglesias did not recall if he struck § 87(2)(b) in the head with his elbow. Neither PO Anthony nor PO Parchen struck § 87(2)(b) with any body part or object during the interaction and no officers took out an asp at any point. No officers ever grabbed § 87(2)(b) by the neck or held him down by the neck at any point during the interaction.

Subject Officer: SGT JOHN COSTELLO

Sgt. Costello is a § 87(2)(b)-year-old Caucasian male officer, standing six feet tall, weighing two-hundred-fifteen pounds, with brown hair and blue eyes. He is an eleven-year veteran of the NYPD. On February 26, 2009, Sgt. Costello worked from 7:50 am to 4:47 pm, as the SNEU supervisor in the 43rd Precinct. Sgt. Costello was dressed in uniform, was working with PO Joseph Parchen of the 43rd Precinct, and was assigned to an unmarked grey minivan of unknown make and model, the SNEU team's "prisoner van." Sgt. Costello did not have any entries in his memo book regarding the incident.

CCRB Testimony:

Sgt. John Costello of the 43rd Precinct was interviewed at the CCRB on September 9, 2009 (encl. 17a-17e). Sgt. Costello's statement was consistent with that provided to the CCRB by PO Anthony, with the following inconsistencies and additional information. When Sgt. Costello pulled up alongside the individuals in the prisoner van, § 87(2)(b) began to walk away in an unrecalled direction down either Lacombe Avenue or St. Lawrence Avenue. Sgt. Costello exited the van, approached § 87(2)(b) and § 87(2)(b) and instructed them to make their hands visible. While Sgt. Costello approached § 87(2)(b) and § 87(2)(b) PO Parchen exited the van and ran after § 87(2)(b).

As he approached § 87(2)(b) and § 87(2)(b) Sgt. Costello heard a commotion behind him and turned around quickly to see PO Anthony running toward § 87(2)(b) and PO Parchen. Sgt. Costello turned back toward § 87(2)(b) and § 87(2)(b) since he saw that PO Anthony was assisting PO Parchen in arresting § 87(2)(b) and repeated, "Keep your hands where I can see them." When, approximately fifteen to twenty seconds later, Sgt. Costello turned back toward where § 87(2)(b) was interacting with the officers, he saw that § 87(2)(b) PO Parchen, and PO Anthony were on the ground on the sidewalk. Sgt. Costello did not observe how the officers and § 87(2)(b) struck the ground, nor did any officer inform Sgt. Costello of the circumstances surrounding their transition to the ground after the incident was concluded. Sgt. Costello was only able to describe his observation as "three guys on the ground" and was unable to elaborate upon what actions were being performed by each individual.

Although PO Nicholas DiPardo of the 43rd Precinct was listed as the arresting officer of the three individuals, Sgt. Costello did not recall his being present at the arrest location. Sgt. Costello stated that, since he did not recall a catch car responding to the location, and since, as the team's arresting officer, PO DiPardo would have been assigned to a catch car, it is unlikely that PO DiPardo was ever present at the arrest location. Sgt. Costello did not recall hearing any officer use profanity at any point during the interaction, nor did he recall using profanity at any point during the incident. Sgt. Costello did not recall whether any of the arrested individuals were strip-searched at the 43rd Precinct stationhouse.

Witness Officer: PO EDGAR MERCADO

PO Mercado is a § 87(2)(b)-year-old Hispanic male officer, standing five feet, nine inches tall, weighing two-hundred-thirty pounds, with black hair and brown eyes. PO Mercado is a four-year veteran of the NYPD. On February 26, 2009, PO Mercado worked from 8:00 am to 4:35 pm and was assigned to the 43rd Precinct SNEU team with Sgt. John Costello and PO Joseph Parchen, both of the 43rd Precinct. PO Mercado stated that himself, Sgt. Costello, and PO Parchen were assigned to either the catch car or the prisoner van for the SNEU team, were dressed in uniform, and were assigned to an unmarked vehicle, which was either a Chevy Impala, a Ford Crown Victoria, or a silver minivan of unknown make and model. PO Parchen was the driver of the vehicle. PO Mercado's memo book did not contain any entries regarding this incident.

CCRB Testimony:

PO Edgar Mercado of the 43rd Precinct was interviewed at the CCRB on February 10, 2010 (encl. 20a-20e). § 87(2)(g)

§ 87(2)(b) PO Parchen drove to the intersection of Lacombe Avenue and St. Lawrence Avenue, at which point PO Mercado observed three individuals matching the physical descriptions provided by the officer who reported the narcotics transaction walking in the middle of Lacombe Avenue. PO Mercado, who was sitting in the rear driver-side seat, exited the vehicle and approached § 87(2)(b) and § 87(2)(b) while PO Parchen exited the vehicle and immediately approached § 87(2)(b). PO Mercado briefly patted the outside of § 87(2)(b)'s and § 87(2)(b)'s clothing but did not feel any bulges that would indicate the presence of a weapon. Sgt. Costello remained standing next to the vehicle while he called the officers assigned to observation posts and requested that they respond to the location to assist with the arrests.

Either PO Parchen, PO Iglesias, or PO Anthony punched § 87(2)(b) in the right side of the abdomen two or three times, causing him to pull his arm out from under his body. More than one of the three officers may have punched § 87(2)(b) in the abdomen. When § 87(2)(b) stood up, PO Mercado saw that his lip was bleeding. PO Mercado did not see how § 87(2)(b) had sustained the injury. § 87(2)(b) did not complain of pain from the injury and did not request medical attention at any point during or subsequent to his arrest. PO Mercado did not hear § 87(2)(b) complain that he was having difficulty breathing.

Witness Officer: PO Nicolas DiPardo

PO DiPardo is a § 87(2)(b)-year-old Hispanic male officer, standing six feet tall, weighing one-hundred-ninety-five pounds, with black hair and brown eyes. He is a nine-year veteran of the NYPD. On February 26, 2009, PO DiPardo worked from 9:30 am until 6:05 pm, on the 43rd Precinct day tour SNEU team. PO DiPardo was assigned to one of two "catch cars" for the SNEU team, responsible for apprehending individuals suspected of engaging in drug transactions. PO DiPardo was in uniform.

Arrest Documentation:

- The arrest reports prepared by PO DiPardo for the arrests of § 87(2)(b) and § 87(2)(b) confirmed that they were both observed exchanging currency for small objects at the time of the incident. The arrest report stated that no physical force was used during the arrest and the physical condition of § 87(2)(b) and § 87(2)(b) was recorded as "apparently normal" (encl. 16c-16d).

- The property vouchers prepared by PO DiPardo in connection with the arrest of § 87(2)(b) confirmed that currency and § 87(2)(b)'s cell phone were vouchered as arrest evidence on the date of the incident (encl. 16e-16f).

CCRB Testimony:

PO Nicolas DiPardo of the 43rd Precinct was interviewed on July 28, 2009 (encl. 16a-16h). § 87(2)(g)

At approximately 1:30 pm on the date of the incident, PO DiPardo was in the 43rd Precinct stationhouse with Sgt. John Costello of the 43rd Precinct, who was also assigned to the day tour SNEU team. Another officer from the SNEU team may also have been assigned to the chase car with PO DiPardo and Sgt. Costello. Officers from the SNEU team called Sgt. Costello on the closed SNEU radio and informed him that they had made an arrest near the intersection of Randall Avenue and Commonwealth Avenue in the Bronx. PO DiPardo and the other officers assigned to the chase car traveled to the location in their motor vehicle, where they saw that three individuals had been placed in handcuffs and were sitting on the sidewalk of Commonwealth Avenue. The individuals appeared to be in normal condition and they had sustained no visible injuries. None of the individuals complained of any injuries or requested medical treatment.

PO DiPardo did not recall which officers were present on the scene when he arrived at the location but stated that they were most likely the officers regularly assigned to the day tour SNEU team. PO DiPardo did not recall what type of police vehicles he observed as present at the location but stated that there may have been one unmarked full-size black Ford van or one unmarked grey minivan with sliding doors on each side. PO DiPardo stated that the vehicles are maintained by the Patrol Borough Bronx command so the turnover for unmarked vehicles in the 43rd Precinct is quite high.

Officers informed PO DiPardo of the reasons for the arrests and explained that they had become involved in a physical altercation with § 87(2)(b) after he appeared to throw whatever was in his hands either into the bushes or into the sewer. PO DiPardo did not recall any officer ever informing him that § 87(2)(b) had attempted to swallow anything. Officers eventually placed him in handcuffs.

PO DiPardo transported one of the individuals to the 43rd Precinct stationhouse. Sgt. Costello authorized an officer to strip-search the individuals. PO DiPardo may have been one of the officers who strip-searched the individuals but he could not recall with absolute certainty. By the time the individuals were strip-searched, all of the officers from the SNEU team had arrived back at the stationhouse. PO DiPardo processed the property vouchers for all three individuals who were arrested. None of the individuals requested medical treatment while at the stationhouse.

Medical Records:

- § 87(2)(b) first obtained medical treatment at § 87(2)(b) in the Bronx on § 87(2)(b). § 87(2)(b) was diagnosed with swelling to the right side of his jaw and was released in police custody when no fractures or dislocations were found. During his initial visit to § 87(2)(b), § 87(2)(b) did not complain of pain.
- § 87(2)(b) received a physical exam while incarcerated at the § 87(2)(b) at Riker's Island on § 87(2)(b). The attending physician concluded that § 87(2)(b) was "in no distress," in regards to his physical condition.

- § 87(2)(b) received a mental health evaluation from Correctional Health Services while incarcerated at the § 87(2)(b) on § 87(2)(b). § 87(2)(b) was prescribed a medical methadone treatment program to address his opioid withdrawal symptoms.
- § 87(2)(b) received medical attention at § 87(2)(b) on § 87(2)(b). § 87(2)(b) complained of throat and rib pain but no distress or swelling to his throat or ribs was discovered. § 87(2)(b) was prescribed Motrin and Percocet for pain.
- § 87(2)(b) received medical attention at § 87(2)(b) on § 87(2)(b). § 87(2)(b) was diagnosed with slight tenderness to the right side of his rib cage (encl. 22a-22Am).

NYPD Document(s):

- The 43rd Precinct command log from February 26, 2009 confirmed that PO DiPardo logged the arrests of § 87(2)(b) and § 87(2)(b) into the command log at 1:05 pm on the date of the incident. The command log entry noted that § 87(2)(b) was charged with § 87(2)(b) while his physical condition was recorded as “apparently normal.” § 87(2)(b) was charged with § 87(2)(b) and his physical condition was also recorded as “apparently normal.” The command log confirmed that both individuals were strip-searched at the stationhouse (encl. 23a).
- The 43rd Precinct roll call from tour two on February 26, 2009 confirmed that Sgt. Costello, PO Anthony, PO Cuadra, PO Iglesias, PO Parchen, and PO Mercado were assigned to the tour two SNEU team, as were PO Miguel Santiago and PO Natasha Heron, both of the 43rd Precinct. No additional information regarding each officer’s assignment was noted (encl. 24a).
- The 43rd Precinct daily vehicle assignment sheet from February 26, 2009 did not record which vehicles were assigned to the 43rd Precinct SNEU team on the date of the incident (encl. 25a).
- The 43rd Precinct prisoner holding pen roster from February 26, 2009 confirmed that § 87(2)(b) and § 87(2)(b) were incarcerated in the 43rd Precinct holding cells from 1:05 pm to 9:10 pm on the date of the incident before being transported to Bronx Central Booking (encl. 26a).

Arrest for Incident and Disposition:

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
- [REDACTED]
[REDACTED]
[REDACTED]

Status of Civil Proceedings:

- § 87(2)(b) filed a Notice of Claim with the City of New York on § 87(2)(b), claiming police assault and battery, excessive force, false arrest, false imprisonment, and malicious prosecution, and seeking five million dollars as redress (encl. 12a-12b).

Civilian(s) Criminal History:

§ 87(2)(b) [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

Civilian(s) CCRB History:

- This is the first CCRB complaint filed by § 87(2)(b) or § 87(2)(b) (encl. 7a-9a).

Subject Officer(s) CCRB History:

- PO Anthony has been a member of the service for ten years and there are no substantiated CCRB allegations against him (encl. 2a-2b).
- PO Parchen has been a member of the service for five years and there are no substantiated CCRB allegations against him (encl. 3a).
- PO Iglesias has been a member of the service for three years and there are two substantiated CCRB allegations against him (encl. 4a-4b).
- Sgt. Costello has been a member of the service for eleven years and there are no substantiated CCRB allegations against him (encl. 5a).

Conclusion

Identification of Subject Officer(s):

- PO Anthony and PO Parchen confirmed that they were the first officers to make physical contact with § 87(2)(b) and confirmed that they went to the ground with § 87(2)(b) in the process of attempting to handcuff him. Their accounts were confirmed by Sgt. Costello, PO Mercado, and PO Iglesias.
- Sgt. Costello, PO Mercado, and PO Iglesias confirmed that PO Iglesias was the officer who assisted PO Anthony and PO Parchen in placing § 87(2)(b) in handcuffs while he was on the ground. PO Parchen and PO Iglesias stated that they both participated in striking § 87(2)(b) while he was on the ground.
- § 87(2)(b) was only able to describe one of the officers who struck him as an African-American male officer. § 87(2)(b) identified the officer who used profanity toward him and § 87(2)(b) and who threatened them with physical force as the only African-

American officer present at the arrest location. PO Anthony was the only African-American male officer present at the location.

- Sgt. Costello was the only supervising officer present for the arrests. As the supervising officer on the scene, Sgt. Costello would have been responsible for obtaining medical treatment for the prisoners if requested and would have been responsible for authorizing the strip-searching of the prisoners.
- § 87(2)(g)
§ 87(2)(b) was unable to provide a physical description of the other officers who allegedly used profanity toward him while inside the police vehicle. § 87(2)(b) also stated that he did not see the officer who allegedly obstructed his windpipe.

Investigative Findings and Recommendations:

Allegation A – Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony used physical force against § 87(2)(b)

Allegation B – Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Joseph Parchen used physical force against § 87(2)(b)

Allegation C – Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Miguel Iglesias used physical force against § 87(2)(b)

Allegation I – Abuse of Authority: Inside the 43rd Precinct stationhouse, Sgt. John Costello authorized the strip-search of § 87(2)(b) and § 87(2)(b)

It is undisputed that PO Parchen and PO Iglesias struck § 87(2)(b) while he was lying on the ground. § 87(2)(g) § 87(2)(b) alleged that officers struck him in the head and face while he was lying on the ground, § 87(2)(g)
§ 87(2)(b)'s medical records did not contain any indication that he sustained trauma to the head or face as a result of the interaction; furthermore, § 87(2)(b)'s attending physician at § 87(2)(b) on § 87(2)(b) found only minor swelling on the right side of § 87(2)(b)'s jaw.

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

The NYPD Patrol Guide allows officers to use minimal force to compel the cooperation of an individual refusing to be placed in custody, § 87(2)(g)

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

§ 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED] the guidelines for strip-searching prisoners enumerated in the NYPD Patrol Guide procedure 208.05 (encl. 1a-1b). The Patrol Guide allows for a supervising officer to authorize a strip-search of a prisoner only when he or she, “reasonably suspects that weapons, contraband, or evidence may be concealed upon the person or in the clothing in such a manner that they may not be discovered by the previous search methods.” The Patrol Guide allows for a wide latitude of discretion on the part of the officer authorizing the strip-search and allows the officer to apply additional considerations, such as a prisoner’s criminal history and arrest circumstances. § 87(2)(g)
[REDACTED]

§ 87(2)(g)
[REDACTED]

Allegation D – Force: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, an officer used a chokehold against § 87(2)(b)
Allegation H – Discourtesy: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx and en route to the 43rd Precinct stationhouse, officers spoke obscenely and/or rudely to

§ 87(2)(b)
[REDACTED]

In their CCRB statements, § 87(2)(b) and § 87(2)(b) alleged that an officer grabbed § 87(2)(b) around the neck with his forearm, thereby restricting his airflow, prior to § 87(2)(b)’s falling to the ground. § 87(2)(b)’s medical records, however, note that he did not complain of pain to his neck or throat or that he was having difficulty breathing until over a week after the incident, on § 87(2)(b), at which point no distress was found in the vicinity of his neck or throat. § 87(2)(b) was unable to describe the officer who allegedly used a chokehold against him and § 87(2)(b) was only able to describe the officer as a Caucasian or Hispanic male. None of the officers interviewed recalled observing any officer grab § 87(2)(b) around the neck with his forearm. § 87(2)(b) was also unable to provide a physical description of the officers who allegedly cursed at him while inside the police vehicle.

§ 87(2)(g)
[REDACTED]

Allegation E – Abuse of Authority: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx and inside the 43rd Precinct stationhouse, Sgt. John Costello refused to provide medical treatment for § 87(2)(b)

Allegation F – Abuse of Authority: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony threatened § 87(2)(b) with the use of force.

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Allegation G – Abuse of Authority: In the vicinity of Lacombe Avenue and St. Lawrence Avenue in the Bronx, PO Nathaniel Anthony threatened § 87(2)(b) with the use of force.

Allegation J – Abuse of Authority: Sgt. John Costello authorized the strip-search of § 87(2)(b)

§ 87(2)(g)
[Redacted]
[Redacted]
[Redacted]

Team: 1

Investigator:	_____	<u>Jonathan Hutchinson</u>	_____
	Signature	Print	Date

Supervisor:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date

Reviewer:	_____	_____	_____
	Title/Signature	Print	Date